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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,482

11/21/2003

Naoto Abe

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07/18/2006

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

DILDINE JR, R STEPHEN

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,482

Applicant(s)

ABE, NAOTO

Examiner

R. Stephen Dildine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,9,13,15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2-6,8-12,14-16,18 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 21 November 2003.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The incorporation of essential material in the specification by reference to a foreign application for patent is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required pursuant to 37 CFR 1.125(a) because the specification is not in proper idiomatic English. Some examples of improper idiomatic English include “if the recording-medium cartridge is stolen, the leakage of information becomes serious problem”, page 2, lines 14-15, “which holds a unique cryptographic key in the condition that the rewrite of the cryptographic key is forbidden” page 3, lines 1-2, “data that should be prevented from the falsification”, page 3, lines 17-18 (emphasis added) *etc.*

. A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

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Claim Objections

Claims 3-6, 9-12, 15, 16, 18 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims (or their parent claims) recite apparatus which uses a recording-medium cartridge of the parent claim but do not further add any limitations to the cartridge of their parent claims (1 or 2) but instead add elements outside the metes and bounds of the cartridge recited in the parent claims (1 or 2) in an attempt to claim a recording-and-reproducing apparatus which uses the cartridge of claim 1 or 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 7, 9, 13, 15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (2003/0074572) further in view of Riches *et al.* (2002/0035695). Hayashi shows a recording medium cartridge (PCMCIA card 23) and a cartridge memory (detachable battery (20) having an EEPROM (20-3) which stores a "cryptographic key a"). Hayashi fails to show the recording medium (PCMCIA card) holding a CRC code generated by the cryptographic key "a" and the data to be recorded, instead Hayashi shows the data to be recorded being encrypted using the cryptographic key "a" to encrypt the data to be recorded. Riches *et al.* shows a tape data storage cartridge (4) having an associated memory device (3) in which is stored a number of signatures (12) each representative of and associated with a particular data set recorded on the storage medium, where each of the signatures is disclosed (in paragraph [0023]) as a CRC-code thereby teaching the use, in a tape data storage cartridge, of a CRC-code to generate signatures for the protection of data recorded on a data storage tape. Because there is a need for such stored data to be protected against unauthorized amendments, additions or general tampering, it would be clear to one of ordinary skill in the art to replace the associated memory device (3) of Riches *et al.* with a removable (detachably attached) storage device such as the detachable memory (20-3) of Hayashi

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which minimizes a risk that the private key is analyzed and a risk that encrypted data held in an equipment is decrypted using the private key. It is noted that it would make little if any difference whether the storage medium were magnetic or optical or whether the storage medium were tape or disc.

Allowable Subject Matter

Claims 2, 8 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee (2002/0174353) is cited to show a computer which requires a removable card to boot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Stephen Dildine whose telephone number is (571) 272-3820. The examiner can normally be reached on M - F 5:30 am to 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



R. Stephen Dildine

R. Stephen Dildine
Primary Examiner
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